

### CLAIM REJECTIONS UNDER 35 U.S.C. §102 AND 35 U.S.C. §103

The Examiner has rejected claims 2-5, 8-12, 14-16, 18-22, 24, and 27-36 under 35 USC 102(b) as being unpatentable over U.S. Patent 5,594,652 to Penn et al. (Penn). The Examiner does not officially rejected claims 37 and 38, but discusses these claims under the 102(b) rejection to Penn. The Examiner has rejected claims 8 and 9 under 35 USC 103(a) as being unpatentable over Penn. Applicants respectfully traverse the rejection of claims 2-5, 8-12, 14-16, 18-22, 24, and 27-36 under 35 USC 102(b) as being unpatentable over Penn, the assertion that claims 37 and 38 are anticipated by Penn, and the rejection of claims 8 and 9 under 35 USC 103(a) as being unpatentable over Penn. Applicants assert that Penn does not teach or suggest Applicants' currently pending claims 2-5, 8-12, 14-16, 18-22, 24, and 27-38.

Amended independent claim 30, requires, *inter alia*,

combining [] first and second photopolymers ... to produce a third material.

Amended independent claim 34, requires, *inter alia*,

at least one printing head [which is controlled to] dispense [] first and second photopolymers so that said first and second photopolymers are combined ... to produce a third material  
...

Amended independent claim 36, requires, *inter alia*,

a controller ... for combining said plurality of photopolymers in selectable proportions to produce layer materials having different colors.

Applicants respectfully submit that Penn does not teach or suggest, and the Examiner does not assert that Penn teaches or suggests, combining two photopolymers to produce a third material, as required by Applicants' amended independent claims 30 and 34. Furthermore, Applicants respectfully submit that Penn does not teach or suggest, and the Examiner does not assert that Penn teaches or suggests, combining photopolymers to produce layer materials having different colors, as required by Applicants' amended claim 36. To the extent that Penn discloses the use of a photopolymer, that photopolymer is used with a wax, but is not combined with that wax or another photopolymer. See Penn, col. 10, ll. 33-42.

Furthermore, Applicants' repeat their assertion that Penn does not combine more than one material to produce a third material, as required by each of Applicants' amended claims 30, 34 and 36.

For a reference to anticipate a claim, all elements in the claim must be found in the reference. Thus, Penn does not anticipate Applicants' independent claims 30, 34 and 36.

Since each of dependent claims 2-5, 10-12, 14-16, 18-22, 24, 27-29, 31-33, 35, and 37-38 depend from, directly or indirectly, one of independent claims 30, 34 and 36, and therefore include, *inter alia*, all limitations of one of claims 30, 34 and 36, dependent claims 2-5, 10-12, 14-16, 18-22, 24, 27-29, 31-33, 35, and 37-38 are also not anticipated by Penn.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 2-5, 10-12, 14-16, 18-22, 24, and 27-36 under 35 USC 102(b) as being unpatentable over Penn, the assertion that claims 37 and 38 are anticipated by Penn, and the rejection of claims 8 and 9 under 35 USC 103(a) as being unpatentable over Penn.

#### **NEW CLAIMS**

Applicants have added new dependent claims 39-41 to further define what Applicants regard as their invention. Each of dependent claims 39-41 depend from, directly or indirectly, one of independent claims 30, 34 and 36, and therefore include, *inter alia*, all limitations of one of claims 30, 34 and 36. Thus, new dependent claims 39-41 are likewise allowable.

#### **CONCLUSION**

Based on the foregoing, Applicants believe the application is now in condition for allowance.

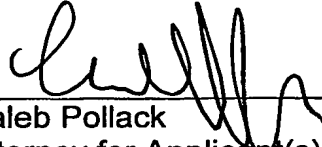
Should the Examiner have any question or comment as to the form, content or entry of this Communication, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further

issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any additional fees associated with this paper to Deposit Account No. 05-0649.

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Respectfully submitted,



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